

Appl. No. 10/070,328
Reply to Office Action of November 14, 2005

Remarks

Reconsideration in light of the foregoing amendments and remarks which follow is respectfully requested.

Claims 1-11 and 16-24 are before the Examiner. Claims 12-15 have been cancelled solely to advance prosecution. Applicant reserve the right to pursue this subject matter in a continuing application. Claims 1, 5, 9, 16 and 19-23 have been amended to address points raised in the Office Action and to improve form. Claims 24 - 27 have been added for completeness. No new matter has been added.

Claims 9-15 are rejected under 35 U.S.C. 112, first paragraph, because the specification while being enabling for a method of treating congestive heart failure, does not reasonably provide enablement of treating a patient with a calcium sensitizer generally. Applicants respectfully traverse.

In the interests of expediting prosecution, claim 9 has been amended to specify the treated condition as congestive heart failure. In light of this amendment, the rejection is rendered moot. Its withdrawal is respectfully requested.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which applicant regards as the invention. Applicants respectfully traverse.

The claims have been amend to address the points raised in the Office Action. "Phenol" has been replaced with- phenyl-. "LASSBio-294" has been replaced by a reference to the

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compound of claim 5 (formula II) at each occurrence. Claim 23 has been amended to refer to the compound of claim 2 and claims 24 and 25 has been added to reference the compounds of claim 3 and 4, respectively. These amendments provide the requested clarity. In light of these amendments, withdrawal of the rejection is respectfully requested.

In light of the amendments and the arguments made, the application is believed to be in a condition for allowance and a Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Date: 12/14/2005

Respectfully submitted,



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